

**Version with Markings to Show Changes Made**

1. (Amended) A system for transmitting a plurality of localized information streams within a common general digital audio broadcast channel, comprising:

a plurality of local content source information streams;

a plurality of local broadcast identifying codes each associated with a respective one of said plurality of local content source information streams;

a formatting module adapted to insert said plurality of local broadcast identifying codes into respective ones of said plurality of local content source information streams; and

a digital radio transmitter adapted to transmit data packets each containing at least one of said plurality of local broadcast identifying codes and at least a portion of one of said plurality of local content source information streams;

wherein at least one of said plurality of local broadcast identifying codes is contained in a header of each data packet transmitted by said transmitter.

11. (Amended) A method for transmitting a plurality of local broadcast information streams within a common channel, comprising:

associating one of a plurality of unique local broadcast identifying codes with each of a plurality of local content information streams; and

transmitting a digital radio signal over said common channel, said digital radio signal comprising a plurality of data packets each containing one of said plurality of content information streams and an associated one of said plurality of unique local broadcast identifying codes;

wherein at least one of said plurality of unique local broadcast identifying codes are included in respective header portions of said data packets.

18. (Amended) Apparatus for transmitting a plurality of local broadcast information streams within a common channel, comprising:

means for associating one of a plurality of unique local broadcast identifying codes with each of a plurality of local content information streams; and

means for transmitting a digital radio signal over said common channel, said digital radio signal comprising a plurality of data packets each containing one of said plurality of content information streams and an associated one of said plurality of unique local broadcast identifying codes;

wherein said means for transmitting includes means for including at least one of said plurality of unique local broadcast identifying codes in respective header portions of said data packets.

25. (Amended) An information stream combiner for a digital audio broadcast transmitter, comprising:

a local audio content source;

a module adapted to packetize said local audio content source;

a local broadcast identifying code storage element; and

a processor adapted to insert a local identifying code obtained from said local broadcast identifying code storage element into each data packet containing at least a portion of said local audio content source;

wherein said processor is further adapted to insert said local identifying code into a header portion of each data packet.

29. (Amended) A method of receiving one of a plurality of local audio content source information streams in a common channel of a digital audio broadcast system, comprising:

monitoring said common channel for a local audio transmission associated with a geographic location of a receiver; [and]

playing back said local audio content source information stream if a monitored local audio transmission is associated with said geographic location of said receiver;

storing a unique local broadcast identifying code associated with said geographic location of said receiver;

said monitoring including a search of detected data packets for said unique local broadcast identifying code contained therein corresponding to a transmission associated with said geographic location of said receiver.

31. (Amended) The method of receiving one of a plurality of local audio content source information streams in a common channel of a digital audio broadcast system according to claim [30] 29, wherein:

said unique local broadcast identifying code is a zip code.

**REMARKS**

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 remain pending in the application, claims 2, 16, 23, 26 and 30 being cancelled herein.

**Claims 1, 3-15, 17-22, 24, 25 and 27-33 over Schmidt**

In the Office Action, claims 1, 3-15, 17-22, 24, 25 and 27-33 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Schmidt et al. U.S. Patent No. 6,160,585 ("Schmidt"). Claims 2, 16, 23 and 26 are cancelled herein. With respect to the remaining claims, the Applicant respectfully traverses the rejection.

The subject matter of cancelled claims 2, 16, 23 and 26 is amended herein into their respective base claims 1, 11, 18 and 25. Since claims 2, 16, 23 and 26 were not subject to the present rejection, it is presumed that the Examiner would agree that claims 1, 3-15, 17-22, 24, 25, 27 and 28 now overcome the present rejection.

With respect to claims 29-33, the subject matter of claim 30 is amended herein into claim 29, and claim 30 is cancelled. As a result, claims 29 and 31-33 now all recite monitoring including a search of detected data packets for a unique local broadcast identifying code contained therein.

Schmidt's multiplexed data signal includes no code. Rather, according to Schmidt, the memory in a receiver is relied upon to programmably select any of a plurality of received multicast segments.

In particular, Schmidt's preferred embodiment discloses the use of a time division format, wherein the normal or baseline video is received continuously by all receivers, while only select data or information is decoded and stored by specific receivers. (Schmidt, col. 2, lines 19-22) Based on a selection programmed into a receiving unit 100, Video Processing Equipment (VPE) 108 at the receiving end selects one of the addressable video segments 60. (Schmidt, col. 4, lines 19-27) In the disclosed embodiment, this selection by the receiver is based on a known time slot of the time division format. Schmidt discloses **no code** injected into the data signal, much less in a header of packets in the data signal, as specifically required by claims 29 and 31-33.

Moreover, claims 29 and 31-33 require a search of detected data packets.

Schmidt teaches the transmission of a point-to-point continuous data stream. Schmidt fails to teach a digital data packet system as required by claims 29 and 31-33.

Accordingly, for at least all the above reasons, all rejected claims 1, 3-15, 17-22, 24, 25 and 27-29 and 31-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 2, 16, 23 and 26 over Schmidt in view of Tanabe**

The Examiner cites the additional art of U.S. Pat. No. 5,918,156 to Tanabe ("Tanabe") in addition to Schmidt to allegedly support the rejection of claims 2, 16, 23 and 26. The Applicant respectfully traverses the rejection.

Claims 2, 16, 23 and 26 are cancelled herein, technically mooted the present rejection. It is therefore respectfully requested that the rejection be withdrawn.

Since the subject matter of claims 2, 16, 23 and 26 is incorporated into independent claims 1, 11, 18 and 25, the distinctions of these claims over the cited combination of Schmidt in view of Tanabe is discussed in the interest of advancing the prosecution of the present invention.

Claims 1, 11, 18 and 25 recite a local broadcast identifying code contained in headers of data packets.

As discussed herein above, Schmidt fails to teach use of an identifying code (much less a local broadcast identifying code as claimed) in a header of a data packet as claimed. (Office Action at 7) The Examiner cites Fig. 6 of Tanabe, in particular the "packet number" and "identification of the receiver" in Fig. 6, as allegedly teaching the use of a local broadcast identifying code in headers of a data packets. The Applicant respectfully disagrees.

A more careful reading of Tanabe's patent, in particular at col. 7, lines 24-34, explains that the "identification of the receiver" (called the ID 65 of answer station 13, is not a broadcast identifying code at all. Rather, this receiver ID identifies the particular single receiver which is responding to the

information. It relates to a single receiver. The one-to-one correspondence of this ID information is certainly not related to a **broadcast**, as required by claims 1, 11, 18 and 25.

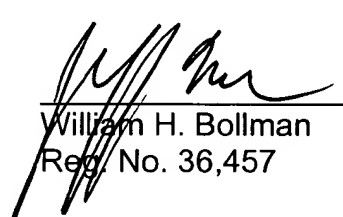
Furthermore, a person of ordinary skill in the art would not have looked to Tanabe in light of Schmidt. Schmidt relates to analog, **non-packet**, time division format data stream, whereas Tanabe relates to packet data. It is respectfully submitted that the combination of non-packet data techniques with packet data techniques are nonsensical, and can only be explained by the improper use of hindsight given the present invention.

Thus, even if the theoretical combination of Schmidt and Tanabe were to be considered proper (which it is not), it still would not have resulted in the present invention.

### Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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